

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MOOG INC.,

Plaintiff,

Case No.: 22-cv-187-LJV-JJM

vs.

SKYRYSE, INC. ROBERT ALIN PILKINGTON, MISOOK  
KIM, and DOES NOS. 1-50

Defendants.

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**DECLARATION OF ANTHONY D. GREEN IN SUPPORT  
OF THE INDIVIDUAL DEFENDANTS' MOTION FOR AN INTERIM  
STAY OF MAGISTRATE JUDGE MCCARTHY'S AUGUST 29, 2022 REPORT,  
RECOMMENDATION AND ORDER PENDING OBJECTIONS TO SAID ORDER**

Anthony D. Green, under penalty of perjury and pursuant to 28 U.S.C. § 1746, declares the following to be true and correct:

1. I am a member of Winget Spadafora & Schwartzberg, LLP, counsel to Defendants Robert Alin Pilkington ("Pilkington") and Misook Kim ("Kim" and, collectively with Pilkington, the "Individual Defendants"), in this matter.
2. I submit this Declaration in support of the Individual Defendants' Motion for an Interim Stay of Magistrate Judge McCarthy's August 29, 2022 Report, Recommendation and Order ("August 29th Order") pending objections to said order.
3. The August 29th Order decides multiple motions, including motions to dismiss and discovery-related motions as to access to the Individual Defendants' electronic devices. *See* ECF Dkt. Nos. 47, 48, 228, 229.
4. The portions of the August 29th Order set to go into effect on Friday, September 9, 2022 at 5:00 pm EST pertain to the Individual Defendants' motion to claw back materials provided

under the protective order and Plaintiff's concurrently filed motion to restore access to the Individual Defendants' electronic devices. *See* ECF Dkt. Nos. 229, 228. The Order grants Plaintiff's "motion to compel access to Pilkington and Kim's electronic devices" and denies the Individual Defendants' motion to claw back their devices. *See* ECF Dkt. No 253 pp. 10-11.

5. Pursuant to the August 29th Order, objections to the Report, Recommendation and Order must be filed on or before September 12, 2022.

6. The Individual Defendants will file their objections to the August 29, 2022 Report, Recommendation and Order on Monday, September 12, 2022.

Dated: September 8, 2022  
New York, New York

/s/ Anthony D. Green  
Anthony D. Green